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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/893,165 | 06/27/2001 | Kalle J. Karkas | 617-010445-US(PAR) | 4512 |
| 2512 | 7590 | 05/19/2005 | EXAMINER | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | LIPMAN, JACOB | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2134 | |

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/893,165 | | KARKAS ET AL. | |
| | Examiner | | Art Unit | |
| | Jacob Lipman | | 2134 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 09 March 2005. These drawings are acceptable.

Specification

2. The specification corrections were received on 09 March 2005. These corrections are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 8-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang, US Patent Number 6,175,922.

With regard to claims 1, 16, 21, 22, and 26, Wang discloses an access device (column 18 lines 33-36) including means for wirelessly (column 18 lines 44-47) receiving a key (column 18 line 63- column 19 line 4) and validity information (column 7 lines 45-60), and a wireless means for establishing a connection with another party (column 19 lines 8-9) to provide the key and validity information (column 19 lines 4-9) where if the key and information are valid, access is provided (column 19 lines 9-14),

and the communications operate at different frequencies (column 19 lines 15-20 and column 19 line 66-column 20 line 3)

With regard to claims 2-4, Wang discloses the PEAD receives, and displays to the user additional information, such as price and items (column 19 lines 58-52).

With regard to claim 5, Wang discloses the display can be substituted for an audio output (column 11 lines 57-60).

With regard to claims 10 and 11, Wang discloses the means for establishing a connection can be done using short range wireless communication capabilities such as Bluetooth and infrared (column 19 line 66-column 20 line 3) and that the receiving means can be done with a cell phone (column 18 lines 33-36).

With regard to claims 8 and 9, Wang Bluetooth uses a high frequency (How Bluetooth Works, page 4) and low power (How Bluetooth Works, page 5).

With regard to claim 12-14, Wang discloses that the PEAD can have more than 1 coupon, where each coupon is identified with a specific food (column 18 lines 28-32).

With regard to claim 15, Wang discloses using the dice to gain access to a hotel room (column 19 lines 4-9).

With regard to claims 17 and 18, Wang discloses the key is encrypted using the merchant's private key (column 19 lines 3-4).

With regard to claims 19, 20, 23, and 24, Wang discloses the validity information can include the user ID or time related information (column 7 lines 52-56).

With regard to claim 25, Wang discloses the PED can be mobile (column 18 lines 33-35).

Response to Arguments

5. Applicant's arguments filed 09 March 2005 have been fully considered but they are not persuasive.

With regard to applicant's argument that Wang has no disclosure that the PEAD is capable of supporting both Bluetooth and web phone together, the examiner points to column 19 line 15-column 20 line 3. Wang discloses that in a Point-of-Sale Transaction the PEAD can perform through the wireless network and Internet (column 19 lines 15-21). Later in the same embodiment Wang discloses that the Point-of-Sale terminal might ALSO (column 19 line 67) have short-range capability such as Bluetooth. The examiner points out that Wang uses the terminology "also" which indicates that it is capable of supporting both Bluetooth and web phone together.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2134

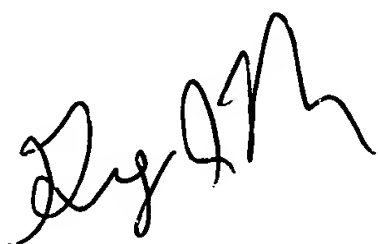
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100